

NATIONAL RECOVERY ADMINISTRATION

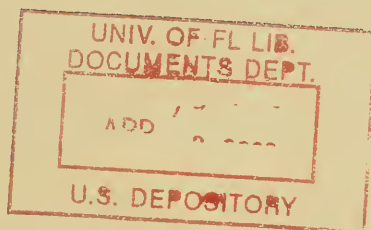
AMENDMENT TO SUPPLEMENTARY CODE
OF FAIR COMPETITION

FOR THE

DIAMOND CORE DRILL
MANUFACTURING INDUSTRY

(A Division of the Machinery and Allied Products Industry)

AS APPROVED ON JULY 18, 1934



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AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION

FOR THE

DIAMOND CORE DRILL MANUFACTURING
INDUSTRY

As Approved on July 18, 1934

ORDER

APPROVING AMENDMENT OF SUPPLEMENTARY CODE OF FAIR COMPETITION FOR THE DIAMOND CORE DRILL MANUFACTURING INDUSTRY, A DIVISION OF THE MACHINERY AND ALLIED PRODUCTS INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to the Supplemental Code of Fair Competition for the Diamond Core Drill Manufacturing Subdivision of Machinery and Allied Products Industry, and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, I, Hugh S. Johnson, Administrator for Industrial Recovery, pursuant to authority vested in me by Executive Orders of the President, including Executive Order 6543-A, dated December 30, 1933, and otherwise, do hereby incorporate by reference said annexed report and do find that the said amendment and the Supplemental Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said Title of said Act, and do hereby order that said amendment be and it is hereby approved, and that the previous approval of said Supplemental Code is hereby modified to include an approval of said Supplemental Code in its entirety as amended, such approval and such amendment to take effect fifteen (15) days from the date hereof, unless good cause to the contrary is shown to the Administrator before that time and the Administrator issues a subsequent order to that effect.

HUGH S. JOHNSON,
Administrator for Industrial Recovery.

Approval recommended:

BARTON W. MURRAY,
Division Administrator.

WASHINGTON, D.C.,
July 18, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,

The White House.

SIR: An application has been duly made pursuant to and in full compliance with the provisions of the National Industrial Recovery Act for an amendment of Article V of the Supplemental Code of Fair Competition for the Diamond Core Drill Manufacturing Subdivision of Machinery and Allied Products Industry, by the temporary Code Authority of that Subdivision.

The Code of Fair Competition for the Machinery and Allied Products Industry provides in Article VI, Section (g) as follows:

"A Code Authority is hereby constituted for each Subdivision to administer, supervise and facilitate the enforcement of this Basic Code in the manner and to the extent hereinafter provided in this Article, and of such Supplemental Code as may be submitted hereafter by a Subdivision and approved by the Administrator.

"During the period not to exceed sixty (60) days following the effective date of this Code, the governing body of the trade association (member of the applicant) representing the employers within the Subdivision, shall constitute a temporary Code Authority. The Administrator, in his discretion, may appoint one additional member (without vote and without expense to the industry).

"Within said sixty (60) day period each such temporary Code Authority shall call a meeting, to which all known members in the particular Subdivision concerned shall be invited, at which meeting the following action shall be taken:

"(1) Adoption of procedural rules and regulations for the election, organization and operation of a permanent Code Authority.

"(2) Election of permanent Code Authority.

"Each permanent Code Authority shall consist of not less than three (3) nor more than nine (9) representatives of employers in the Subdivision. The Administrator in his discretion may appoint one additional member (without vote and without expense to the Subdivision).

"Each such Code Authority may adopt such rules for the conduct of the Code activities of the Subdivision as are not inconsistent with the provisions of this Code.

"Action by employers in any Subdivision meeting for the election of Code Authority shall be by vote of the employers entitled to vote as provided in Section (d) hereof, each such employer to have one vote only. Action by employers in any Subdivision meeting for the adoption of procedural rules, submission of a Supplemental Code or revisions or additions thereto, or the transaction of other business in such Subdivision under this Code, shall be by vote of the employers in such Subdivision who are entitled to vote thereat as provided

in Section (d) hereof and are present in person or by proxy duly executed and filed with Code Authority of such Subdivision, cast and computed in the manner provided in Section (d) hereof for voting in the Industry, except that employers in any Subdivision may prescribe such other method of voting as they may determine upon with the approval of the Administrator.

"The foregoing provisions of this Section (g) shall apply to any Subdivision only in the event and so long as there shall be no Supplemental Code for such Subdivision approved by the Administrator or in the event that such approved Supplemental Code shall fail to contain provisions for the creation and operation of a permanent Code Authority."

A Code Authority for the Diamond Core Drill Manufacturing Subdivision of Machinery and Allied Products Industry was elected in accordance with the Basic Code of Machinery and Allied Products Industry as outlined above, before the Supplemental Code for this Subdivision was approved. Since the Supplemental Code for this Subdivision, approved May 31, 1934, does not contain provisions for recognizing the Code Authority elected in accordance with the provisions of the Basic Code, an application has been made by the temporary Code Authority for this Subdivision for an amendment to said Supplemental Code, which, when approved, will legalize the first permanent Code Authority elected as shown above. For elections after the first, the provisions of this Supplemental Code for the election of a permanent Code Authority shall apply.

The Assistant Deputy Administrator in his final report to me on said amendment to said Supplemental Code having found as herein set forth and on the basis of all the proceedings in this matter: I find that:

(a) The amendment to said Supplemental Code and the Supplemental Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act, including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action among trade groups, by inducing and maintaining united action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Supplemental Code as amended complies in all respects with the pertinent provisions of said Title of said Act, including without limitation Subsection (a) of Section 3, Subsection (a) of Section 7 and Subsection (b) of Section 10 thereof.

(c) The Diamond Core Drill Manufacturers Association was and is a trade association truly representative of the aforesaid Subdivision and that said association imposed and imposes no inequitable

restrictions on admission to membership therein and has applied for or consents to this amendment.

(d) The amendment and the Supplemental Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The amendment and the Supplemental Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said amendment.

For these reasons, therefore, I have approved this amendment to become effective fifteen (15) days from the date of the Order unless good cause to the contrary is shown to me before that time and I issue a subsequent order to that effect.

Respectfully,

HUGH S. JOHNSON,
Administrator.

JULY 18, 1934.

AMENDMENT TO SUPPLEMENTARY CODE OF FAIR
COMPETITION FOR THE DIAMOND CORE DRILL MAN-
UFACTURING INDUSTRY, A DIVISION OF MACHINERY
AND ALLIED PRODUCTS INDUSTRY

(a) Change caption of Article V, Section (c) to read Article V, Section (c) 1, and insert the following as subsection 1:

“This Subdivision having held an election for a permanent Code Authority under the provisions of the Code of Fair Competition for the Machinery and Allied Products Industry, the Code Authority so elected shall constitute the first permanent Code Authority for this Subdivision, if this election meets with the approval of the Administrator. If this election does not meet with the approval of the Administrator, then the provisions hereinbelow provided, shall apply for the election of the first permanent Code Authority. For elections after the first, the provisions of this Supplemental Code for election of a permanent Code Authority shall apply.”

(b) The present Article V, Section (c), to become Article V, Section (c), Subsection 2.

Approved Code No. 347 I—Amendment No. 1.
Registry No. 1321-01.

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